IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22520 of 2004

Between:

V. Venkata Bodaiah, S/o. Late Gurumurthy,
R/o. Bodu village, Tedkulapalli Mandal, Khammam District.

..... PETITIONER

AND

1 The Medical Officer, Leprosy Control Unit,
Kottagudem, Khammam District.
2 The District Leprosy Officer, Khammam District, Khammam.
3 The District Medical and Health Officer,

Khammam District, Khammam.
4 The Director of Health, Suthan Bazar, Kothi, Hyderabad.
5 The Principal Secretary Medical & Health Service,
Government of Andhra Pradesh, Secretariat,
Hyderabad.
6 The Accountant General, Saifabad, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ more appropriately a WRIT OF MANDAMUS to declaring the inaction of the respondents in not recrediting the sum of Rs.80,000/- (Rupees Eighty Thousands Only) to the General Provident Fund Account of the Petitioner as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India.

Counsel for the Petitioner: MR.P.RAVINDER

Counsel for the Respondent Nos.1 to 5: GP FOR MEDICAL HEALTH & FAMI.WELFARE

The Court, at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22520 of 2004

ORDER:

This writ petition has been filed to declare the action of the respondents in not recrediting a sum of Rs.80,000/- (Rupees eighty thousand only) to the General Provident Fund Account of the petitioner as illegal and arbitrary.

2. It is an undisputed fact that an amount of Rs.80,000/- has been misappropriated by some officials of the 1st respondent-Medical Officer, Leprosy Control Unit, Kothagudem, from the General Provident Fund account bearing No.46230/MEDL of the petitioner and it is also an admitted fact that in the counter affidavit filed by the 1st respondent, it is stated that one C.D.V.Prasad, Junior Assistant, Leprosy Control Unit, Kothagudem, has fraudulently drawn the amounts from certain employees of the Leprosy Control Unit, Kothagudem and after conducting enquiry with regard to the said allegation, immediately, the employees concerned were placed under suspension.

3. Admittedly, an amount of Rs.80,000/- has been misused by some of the employees from the General Provident Fund account of the petitioner. Now, the stand taken by the learned Government Pleader for the Medical Health and Family Welfare that the District Collector, Kothagudem, has been addressed to recovery the misappropriated amounts by seizing the movable and immovable properties of C.D.V.Prasad under the Revenue Recovery Act, 1864. Thereafter, the recovery proceeds will be remitted to the Government (Accountant General, Andhra Pradesh, Hyderabad) to recredit the same to the General Provident Fund account of the petitioner as per Rules.

4. As seen from the material available on record, it is clear that even for

no fault on the part of the petitioner, the amount of the petitioner has been withdrawn by the said C.D.V.Prasad, employee of the same department. Hence, it is for the Government to take appropriate decision to recover the amount which has been misappropriated by the said C.D.V.Prasad. Therefore, I feel it consider that there is no need for the petitioner to wait till the recovery is being made because it is his amount and that the Government shall have to recredit the amount to his account as per the Rules.

5. Accordingly, the writ petition is allowed, directing the respondents to take appropriate steps for getting a special sanction from the Government so as to recredit the said amount to the General Provident Fund account of the petitioner within a period of four months from the date of receipt of a copy of this order. No costs.

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February 25, 2005

Kvr

To

1 The Medical Officer, Leprosy Control Unit,
Kottagudem, Khammam District.
2 The District Leprosy Officer, Khammam District, Khammam.
3 The District Medical and Health Officer,

Khammam District, Khammam.
4 The Director of Health, Suthan Bazar, Kothi, Hyderabad.
5 The Principal Secretary Medical & Health Service,
Government of Andhra Pradesh, Secretariat,
Hyderabad.
6 The Accountant General, Saifabad, Hyderabad

7 Two C.D copies.